

# The Voting Rights Act

## Ensuring Dignity and Democracy

By Representative John Lewis

**W**e have made tremendous progress since the passage of the Voting Rights Act of 1965 (VRA). Gone are the poll taxes, literacy tests, and grandfather clauses that were used to deny African American citizens the right to register to vote. In 1965, only 7 percent of the African Americans in Mississippi were registered to vote—the lowest percentage across the South and the nation. Today over 70 percent of black Mississippians are registered to vote. In 1964 only 300 black elected officials had been elected nationwide; today there are over 9,100 in state and local jurisdictions around the country, including seventy-one members of Congress of African American, Latino, Native American, or Asian descent.

We have indeed come a long way, but we have a great distance to travel before this nation achieves the full measure of equality that democracy requires. While some would argue that our progress since 1965 suggests there is no need to renew the VRA, described by the U.S. Department of Justice as the “most successful piece of civil rights legislation ever adopted by the U.S. Congress.” Yet it is crucial to remember this legislation was enacted to strike down legalized segregation, an aberration of the law that occurred well after the advances of the Reconstruction period.

In the mid- to late 1800s three African Americans represented Alabama in the U.S. Congress. Only decades later state and local governments were barred from registering black voters. The Jim Crow segregation I experienced as a child was developed specifically to stop the strides gained during Reconstruction. It is through

this lens of history, then, that we must view our present circumstances.

### Lessons of History

When I was growing up in rural Alabama, I experienced the systematic dehumanization of African Americans in the South. The worst kind of oppression existed. In Lowndes County, Alabama, 80 percent of the residents were African American, but none were registered to vote. All across the Deep South, people who tried to register to vote or who encouraged black citizens to register were arrested, jailed, beaten, and killed. Some were fired from their jobs, separated from their families, evicted from their homes, and threatened with the loss of everything they had.

Members of right-wing groups such as the White Citizens Council and the John Birch Society regularly advised state registrars on specific ways to prevent black voter registration. One of their most effective tools was the so-called literacy test. In Alabama, this was a sixty-eight-question survey about obscure aspects of state and federal regulation. Citizens might be asked to recite verbatim long portions of the U.S. Constitution. Some were even asked irrelevant questions such as the number of bubbles in a bar of soap. Black people with Ph.D. and M.A. degrees were routinely told they did not read well enough to pass the test.

In response, the civil rights movement sponsored voter registration drives and peaceful demonstrations across the South. During one such protest in Marion, Alabama, a young man named Jimmie Lee Jackson was killed trying to protect his mother and grandfather from an onslaught of

police who had ambushed a group of protestors singing freedom songs outside a jail. At his funeral, James Bevel, a Southern Christian Leadership Conference (SCLC) activist, said we should walk from Selma to Montgomery and lay Jackson’s body at the feet of Governor Wallace. That idea took hold, and the Selma to Montgomery march was born.

On March 7, 1965, we never expected to reach Montgomery. We knew that there would be a confrontation. We expected mass arrests and rough treatment, but never anything worse than that. Hosea Williams of the SCLC and I, chairman of the Student Non-Violent Coordinating Committee, were chosen to lead the march. When we reached the Edmund Pettus Bridge, we saw line after line of Alabama state troopers facing us. We were ordered to disperse, but we refused to turn around. Instead, we kneeled to pray. Before we barely began, the troopers swooped down on the crowd with bullwhips and billy clubs, trampling people with horses and beating nonviolent protestors with nightsticks. They shot a toxic form of tear gas into the crowd. Numerous people were badly beaten, including me. That brutal conflict was the turning point in the quest for voting rights. Scenes of the event were broadcast nationwide, and many Americans were outraged.

On March 15, President Lyndon Johnson made what I believe was the most moving speech ever delivered before the U.S. Congress. He said,

I speak today for the dignity of man and the destiny of democracy. . . . At times history and fate meet at a single time in a single place to shape a turning point in man’s unending

By August 6, both Houses of Congress passed the VRA with overwhelming majorities and signed it into law.

Several provisions lie at the core of the VRA and have guaranteed millions of minority voters the right to vote and power at the polling place. Some are permanent, but others are not and were renewed in 1970, 1975, 1982, and 1992. Preeminent among the former is Section 2, closely reflecting the wording of the Fifteenth Amendment, prohibiting the use of any voting practices that might result in the denial or abridgment of the right to vote on account of race or color. Likewise, Section 4(a) forbade any “test or device” for registering or voting, which was essential in abolishing poll taxes, literacy tests, and the like. Criminal and civil sanctions against persons interfering with the right to vote, failing to comply with the VRA, or committing voter fraud are found in Sections 11 and 12.

history of discrimination submit any potential changes to their voting laws to the U.S. Attorney General or to federal judges for “preclearance” before the laws take effect. Hence, the federal government essentially has the power to stop discriminatory voting changes before they are enacted into law. Therefore Section 5 also serves as a significant deterrent to the advancement of discriminatory legislation, making jurisdictions seriously consider the impact of changes they propose. Also essential to curtailing discrimination have been the provisions that allow the Attorney General to assign federal examiners and observers to these jurisdictions to monitor elections. Finally, bilingual voting requirements have been imposed on certain jurisdictions that have significant minority populations who have limited English proficiency—i.e., Native Americans, Latinos, or other new citizens who are trying to learn English. These requirements can also fade away in 2007.

voting rights abuses against Native Americans, noting that the state had violated Section 5 more than 800 times. In June 2004, Suffolk County, New York, officials reached agreement with the U.S. Justice Department, settling allegations that the county had discriminated against Spanish-speaking voters. And in my home state of Georgia, the state legislature recently passed a bill eliminating twelve of the seventeen forms of identification currently allowed at the polls, which will likely have an unfair impact upon the poor, the elderly, and minorities seeking to exercise their most essential right.

While the VRA has indeed been successful and has revolutionized enfranchisement in America during the past forty years, a plethora of reasons remain to justify aggressively monitoring voting practices under its current provisions. This is not a partisan issue; it is a question of protecting American democracy. Does our system of government require the unfair advantages of oppression, discrimination, and misinformation to prevail? Does our commitment to equal justice and equal access truly encompass every American citizen? These were the only true questions that faced President Johnson, the U.S. Congress, and the American people in 1965, and they are the only questions we have to answer when we consider reauthorization today. Let us indeed continue to ensure the dignity of man and the destiny of democracy here in America as we export those values around the world.

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Convicted of a misdemeanor for “teaching [African Americans] the mechanics of voting,” Branton went on to serve as chief counsel for the plaintiffs in the Little Rock desegregation case and executive secretary to President Lyndon B. Johnson’s Council on Equal Opportunity. In 1978 he became dean of the Howard University School of Law, retiring in 1983.